

# Appendix C

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## NOP COMMENTS

2-0004

# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

## ATTORNEYS AT LAW

1225 8th STREET, SUITE 550  
SACRAMENTO, CA 95814-4810

TEL: (916) 444-6201  
FAX: (916) 444-6209

tenslow@adamsbroadwell.com

SO. SAN FRANCISCO OFFICE

601 GATEWAY BLVD., SUITE 1000  
SO. SAN FRANCISCO, CA 94080

TEL: (650) 589-1660  
FAX: (650) 589-5062

DANIEL L. CARDOZO  
RICHARD T. DRURY  
THOMAS A. ENSLOW  
TANYA A. GULESSERIAN  
MARC D. JOSEPH  
OSHA R. MESERVE  
SUMA PEESAPATI  
GLORIA D. SMITH

FELLOW  
KEVIN S. GOLDEN

OF COUNSEL  
THOMAS R. ADAMS  
ANN BROADWELL

February 10, 2006

### VIA FACSIMILE AND U.S. MAIL

Robin Gilb  
Staff Counsel  
Department of Housing and  
Community Development  
P.O. Box 952052  
Sacramento, CA 94252-2052



Re: Notice of Preparation of a Draft Environmental Impact Report re  
Proposed Adoption of Regulations Permitting Statewide Residential  
Use of CPVC

Dear Mr. Gilb:

On behalf of the Coalition for Safe Building Materials ("Coalition"), this letter provides comments on the January 11, 2006 Notice of Preparation ("NOP") of a Draft Environmental Impact Report ("EIR") for the proposed adoption of regulations permitting statewide residential use of chlorinated polyvinyl chloride ("CPVC") plastic plumbing pipe without first making a finding of potential premature metallic pipe failure due to local water or soil conditions ("the Project"). The Project is proposed by the Department of Housing and Community Development ("HCD").

The Coalition members include the California Pipe Trades Council, the California Professional Firefighters, the Sierra Club, the Planning and Conservation League, Communities for a Better Environment, the Consumer Federation of California, and Center for Environmental Health. The environmental, consumer, public health and labor organizations that make up the Coalition represent literally millions of Californians concerned about the safety of new building materials.

On April 22, 2005, the Coalition submitted comments on HCD's proposal to adopt this very same Project based upon an Addendum to Adopted Mitigated Negative Declaration State Clearinghouse No. 2000091089 ("Addendum"). The Coalition opposed HCD's proposed reliance upon the Addendum and maintained

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Robin Gilb  
Staff Counsel  
Department of Housing and  
Community Development  
February 10, 2006  
Page 2

that preparation of a full EIR was required. On August 1, 2005, the Coalition submitted additional comments opposing the Addendum to the California Building Standards Commission. Numerous other environmental, consumer and public health groups, state legislators, and various California municipalities also submitted comments advocating preparation of a full EIR.

On January 11, 2006, HCD noticed its withdrawal of the Addendum and noticed the preparation of an EIR for the Project.

The Coalition commends HCD for taking this step. The preparation of an EIR is essential to ensure the protection of consumer and worker health and to ensure protection of the environment.

The comments, expert reports, studies and other evidence that have been submitted to HCD and the California Building Standards Commission over the years demonstrate that amending the California Plumbing Code to allow the statewide use of CPVC may result in numerous significant impacts on public health and the environment. These impacts include, but are not limited to, contamination of drinking water, worker exposure to toxic solvents, increased air emissions, manufacturing impacts, solid waste impacts and increased fire hazards. We refer HCD to the materials submitted in the current and prior proceedings regarding CPVC, which describe these impacts in great detail.

An adequate EIR will fully disclose all potential impacts from the expanded approval of CPVC. In doing so, it will ensure that appropriate mitigation measures and limitations on use of this product are imposed.

The Coalition looks forward to reviewing what they hope is an open and impartial informational document.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas A. Enslow", followed by a long horizontal line.

Thomas A. Enslow

TAE:cnh

1626-107d

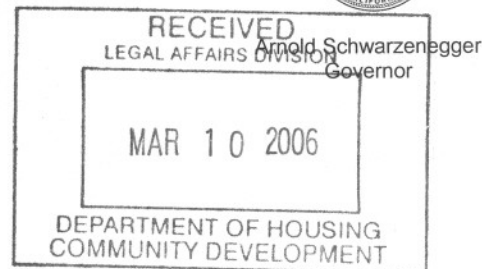


Alan C. Lloyd, Ph.D.  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721



### MEMORANDUM

TO: Robin Gilb  
Department of Housing and Community Development  
P.O. Box 952052  
Sacramento, California 94252-2052

VIA: Gunther W. Moskat  
Planning and Environmental Analysis Section  
8800 Cal Center Drive  
Sacramento, California 95812-0806

FROM: Calvin C. Willhite, Ph.D.  
Human and Ecological Risk Division  
700 Heinz Street, Suite 200  
Berkeley, California 94710

DATE: March 2, 2006

SUBJECT: Adoption of Regulations Permitting a Statewide Residential Use  
Of Chlorinated Polyvinyl Chloride (CPVC) Plastic Plumbing Pipe  
Without First Making a Finding

PCA: 95060

On January 11, 2005 the State Clearing House and Planning Unit requested comments be directed to the Department of Housing and Community Development regarding CEQA Environmental Document Review for Regulations Development Permitting the Use of CPVC Butte County SC: 2006102044. The Department of Housing and Community Development is the Lead Agency for the Notice of Preparation of the documentation pursuant to evaluation of the potential of significant adverse environmental effects from the adoption of regulations permitting statewide residential use of chlorinated polyvinyl chloride (CPVC) plumbing pipe without first making a finding of potential premature metallic pipe failure due to local water or soil conditions.

## BACKGROUND

The proposed regulations would apply to residential building construction, rehabilitation and repair in all areas of the state. The background documentation included in the notice states that CPVC pipe is already permitted in California for use in mobile homes, recreational vehicles, public water treatment and distribution and for general residential building. The latter use of CPVC pipe is most notable in new single family residential construction and this has become more popular within the last few years. Under the proposed regulations, the State may permit residential use of CPVC plumbing pipe without first making a finding of potential premature metallic pipe failure due to local water and soil conditions.

## GENERAL COMMENT

The project description attached to the notice addresses four potentially significant environmental endpoints: air quality, water quality, cumulative impacts on drinking water and air quality and worker safety. The notice indicates these aspects will be addressed in the Environmental Impact Report. However, the first paragraph of the project description indicates the proposed regulations include the provision that a finding of potential premature metallic [elemental composition not stated] pipe failure due to local water and soil conditions need not be made.

## SPECIFIC COMMENT

1. The Unified Numbering System for Metals and Alloys (UNS) is a systematic scheme used to identify specific metal alloys and it is designated by a letter followed by five numbers. This system is used to describe common alloys found in commerce including copper (e.g., C12200, C10200, C12200), ductal and cast iron, cast steel (including maraging, stainless, iron-base), carbon and alloy steel, aluminum and various specialty alloys (zinc, nickel, magnesium, molybdenum etc.). Each alloy whether used in common plumbing applications or not is also assigned a corresponding standard product reference by the American society for Testing and Materials based on the specific elemental composition of the particular alloy. For example, Type 304 stainless steel (UNS S30400) is also known as ASTM A312 and ASTM A269 and it is certified to an end use temperature in plumbing applications of 30° C. The percent composition of each alloy is clearly defined by this system to ensure uniformity across the industry and product line. Performance characteristics are assessed based on the composition of the particular alloy and its intended applications.
2. American Society for Testing and Materials (ASTM) publishes consensus specification standards for the performance of copper (ASTM B302-02), aluminum insert (ASTM F1974-04), PVC (ASTM D1785-04a; ASTM D1784), cadmium/zinc cemented carbide coatings (ASTM 02.05-03) and CPVC plastic (ASTM D2846/D2846M-99e1; ASTM F442/F442M-99 ASTM F441/F441M-02 Schedules 40 and 80; ASTM D1784-03) pipe and fittings (ASTM F438-04) as well as multi-layer polymeric compression fittings and joints (ASTM F1986-01) for

cold and hot water distribution systems. Performance of copper alloy pipe products—including stress corrosion cracking - is determined using standardized ammonia vapor (ASTM B858-01) and mercurous nitrate (ASTM B154-05) and the potential for aggressive water conditions to extract metal contaminants regulated under 40 CFR 141 and 142 is determined at pH 5 and pH 10 under standardized protocols.(ANSI 61-2004/U.S. EPA CR-812144). Selection of the extractant pH test conditions is based on the fact that municipal drinking water has a recommended pH of 6.5 with an upper limit of 8.5 [22 CCR Table 64449-B]. Tensile, compression and flexural test protocols are conducted for thermoplastic and reinforced thermoplastic setting resin and metal pipe, tubing and fittings are evaluated under ASTM-specified conditions to determine the potential for hydraulic failure, fatigue and fracture.

3. From the description presented at pages 2 and 3 of the Notice of Preparation (NOP), it does not appear that the procedures involved and the concerns expressed (use of solvent-based adhesives, drinking water quality after CPVC pipe installation, worker safety) would be any different for projects carried out under supervision of the Department of Housing and Community Development than the current accepted practices and health risks encountered in the installation and use of CPVC pipe for conveyance of potable water already permitted in existing California residential buildings, manufactured homes and recreational vehicles as noted at page 2 of the NOP.

## CONCLUSION

National consensus standards for the performance of both metallic and plastic pipe have been developed by professional plumbing engineers and are already in place in the plumbing industry. These products are regulated by the Uniform Plumbing Code and the International Plumbing Code. These Codes address products ranging from vending machines, beverage dispensing equipment, automatic ice making equipment, water heaters, commercial and residential water supply and distribution systems to plumbing fixtures and fixture fittings. The CPVC products under questions are already in wide use in California commercial and residential buildings and related manufactured, mobile, recreational and other applications—including the conveyance of potable water in residential structures in California. Applicable occupational exposure limits for solvents and other materials employed during installation of these products have been promulgated under Title 8 of the California Code of Regulations. Drinking water concentration limits for the same solvents of concern listed in the NOP are regulated under the National Primary Drinking Water Regulations (40 CFR Parts 141 and 142) and Section 64444 of Title 22 of the California Code of Regulations. Those limits are enforced by the U.S. EPA Office of Water, the California Department of Health Services and—for service areas with less than 200 connections—the applicable County. The conditions under which these products are installed and used at projects regulated by the Department of Housing and Community Development are no different from the conditions under which these same products are now installed and used in single family residential structures all across California. This project concerns the comparative performance of metallic and CPVC plastic pipe as a consumer product. As submitted, the NOP does not fall within the responsibility or regulatory purview of the DTSC.





Alan C. Lloyd, Ph.D.  
Agency Secretary  
Cal/EPA

## Department of Toxic Substances Control


Maureen F. Gorsen, Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



Arnold Schwarzenegger  
Governor

### MEMORANDUM

TO: Barbara Cook  
Site Mitigation, Region 2

FROM: Guenther W. Moskat, Chief   
Planning & Environmental Analysis Section

DATE: January 17, 2006

SUBJECT: CEQA ENVIRONMENTAL DOCUMENT REVIEW FOR: REG DEVEL. PERMIT  
USE OF CPVC, BUTTE COUNTY SC: 2006012044

The Office of Environmental Analysis, Regulations & Audits (OEARA) received the attached document from an outside agency for DTSC review as a potential *Responsible* or *Interested Agency* pursuant the California Environmental Quality Act (CEQA). A preliminary review of this document by our office shows that the project may fall within the regulatory authority of DTSC because it involves one of the following land uses that could potentially expose individuals to hazards or hazardous materials:

- AN EXISTING OR PROPOSED SCHOOL SITE
- X SENSITIVE LAND USES (e.g., daycare facility, nursing home, hospital)
- NON-SENSITIVE LAND USES (e.g., commercial or industrial facilities)

This document is being forwarded to your office for further assessment. Please provide the Lead Agency that is identified on the attached Notice of Completion Form with any comments you may have on this document before the close of the comment period 02/09/2006. After your review, please complete the information requested in the box below and return this form to our office at the following address:

CEQA Tracking Center  
Office of Environmental Analysis, Regulations & Audits  
1001 I Street, 22nd Floor/ P.O. Box 806  
Sacramento, CA 95812-0806

- ☐ COMMENTS WERE SENT TO THE LEAD AGENCY and a copy forwarded to OEARA via:

  - ☐ An attachment to this document
  - ☐ Fax @ (916) 323-3215

☒ COMMENTS WERE NOT SENT TO THE LEAD AGENCY because:

  - ☒ The project did not fall within the jurisdiction of DTSC
  - ☐ The document adequately assessed impacts from the proposed project as it relates to DTSC's area of jurisdiction



Arnold  
Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Sean Walsh  
Director

Notice of Preparation

January 11, 2006

To: Reviewing Agencies

Re: Adoption of Regulations Permitting Statewide Residential Use of Chlorinated Polyvinyl Chloride (CPVC)  
Plastic Plumbing Pipe without First Making a Finding  
SCH# 2006012044

Attached for your review and comment is the Notice of Preparation (NOP) for the Adoption of Regulations Permitting Statewide Residential Use of Chlorinated Polyvinyl Chloride (CPVC) Plastic Plumbing Pipe without First Making a Finding draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Robin Gilb  
Department of Housing and Community Development  
PO Box 952052  
Sacramento, CA 94252-2052

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Project Analyst, State Clearinghouse

Attachments  
cc: Lead Agency



# NOP Distribution List

## Resources Agency

- ☒ Resources Agency  
Nadell Gayou
- ☐ Dept. of Boating & Waterways  
David Johnson
- ☐ California Coastal Commission  
Elizabeth A. Fuchs
- ☐ Colorado River Board  
Gerald R. Zimmerman
- ☐ Dept. of Conservation  
Roseanne Taylor
- ☐ California Energy Commission  
Roger Johnson
- ☐ Dept. of Forestry & Fire Protection  
Allen Robertson
- ☐ Office of Historic Preservation  
Wayne Donaldson
- ☒ Dept of Parks & Recreation  
Environmental Stewardship Section
- ☐ Reclamation Board  
DeeDee Jones
- ☐ S.F. Bay Conservation & Dev't. Comm.  
Steve McAdam
- ☒ Dept. of Water Resources  
Resources Agency  
Nadell Gayou

☐ \_\_\_\_\_  
Conservancy

## Fish and Game

- ☒ Depart. of Fish & Game  
Scott Flint  
Environmental Services Division
- ☐ Fish & Game Region 1  
Donald Koch
- ☐ Fish & Game Region 2  
Banky Curtis

- ☐ Fish & Game Region 3  
Robert Floerke
- ☐ Fish & Game Region 4  
Mike Mulligan
- ☐ Fish & Game Region 5  
Don Chadwick  
Habitat Conservation Program
- ☐ Fish & Game Region 6  
Gabrina Gatchel  
Habitat Conservation Program
- ☐ Fish & Game Region 6 I/M  
Tammy Allen  
Inyo/Mono, Habitat Conservation Program
- ☐ Dept. of Fish & Game M  
George Isaac  
Marine Region

## Other Departments

- ☐ Food & Agriculture  
Steve Shaffer  
Dept. of Food and Agriculture
- ☐ Depart. of General Services  
Public School Construction
- ☐ Dept. of General Services  
Robert Sleppy  
Environmental Services Section
- ☒ Dept. of Health Services  
Veronica Rameriz  
Dept. of Health/Drinking Water

## Independent

### Commissions, Boards

- ☐ Delta Protection Commission  
Debby Eddy
- ☐ Office of Emergency Services  
Dennis Castrillo
- ☐ Governor's Office of Planning & Research  
State Clearinghouse
- ☒ Native American Heritage Comm.  
Debbie Treadway

## County: Statewide

- ☐ Public Utilities Commission  
Ken Lewis
- ☐ State Lands Commission  
Jean Sarino
- ☐ Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques

## Business, Trans & Housing

- ☐ Caltrans - Division of Aeronautics  
Sandy Hesnard
- ☒ Caltrans - Planning  
Terri Pencovic
- ☐ California Highway Patrol  
John Olejnik  
Office of Special Projects
- ☐ Housing & Community Development  
Lisa Nichols  
Housing Policy Division

## Dept. of Transportation

- ☐ Caltrans, District 1  
Rex Jackman
- ☐ Caltrans, District 2  
Marcelino Gonzalez
- ☐ Caltrans, District 3  
Katherine Eastham
- ☐ Caltrans, District 4  
Tim Sable
- ☐ Caltrans, District 5  
David Murray
- ☐ Caltrans, District 6  
Marc Birnbaum
- ☐ Caltrans, District 7  
Cheryl J. Powell

- ☐ Caltrans, District 8  
Dan Kopulsky
- ☐ Caltrans, District 9  
Gayle Rosander
- ☐ Caltrans, District 10  
Tom Dumas
- ☐ Caltrans, District 11  
Mario Orso
- ☐ Caltrans, District 12  
Bob Joseph

## Cal EPA

### Air Resources Board

- ☐ Airport Projects  
Jim Lerner
- ☐ Transportation Projects  
Kurt Karperos
- ☐ Industrial Projects  
Mike Tollstrup

- ☐ California Integrated Waste Management Board  
Sue O'Leary

- ☐ State Water Resources Control Board  
Jim Hockenberry  
Division of Financial Assistance

- ☒ State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality

- ☐ State Water Resources Control Board  
Steven Herrera  
Division of Water Rights

- ☒ Dept. of Toxic Substances Control  
CEQA Tracking Center

- ☐ Department of Pesticide Regulation

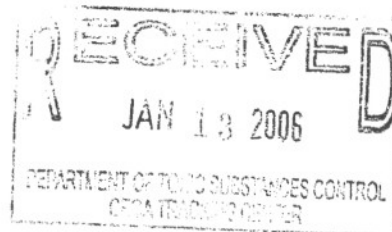
## SCH#

## Regional Water Quality Control Board (RWQCB)

- ☐ RWQCB 1  
Cathleen Hudson  
North Coast Region (1)
- ☐ RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)
- ☐ RWQCB 3  
Central Coast Region (3)
- ☐ RWQCB 4  
Jonathan Bishop  
Los Angeles Region (4)
- ☐ RWQCB 5S  
Central Valley Region (5)
- ☐ RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office
- ☐ RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office
- ☐ RWQCB 6  
Lahontan Region (6)
- ☐ RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office
- ☐ RWQCB 7  
Colorado River Basin Region (7)
- ☐ RWQCB 8  
Santa Ana Region (8)
- ☐ RWQCB 9  
San Diego Region (9)

☐ Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Last Updated on 08/10/05



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2006012044  
**Project Title** Adoption of Regulations Permitting Statewide Residential Use of Chlorinated Polyvinyl Chloride (CPVC)  
**Lead Agency** Plastic Plumbing Pipe without First Making a Finding  
Housing and Community Development, Department of

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**Type** **NOP** Notice of Preparation  
**Description** Evaluate the potential of significant adverse environmental effects from the adoption of regulations permitting statewide residential use of chlorinated polyvinyl chloride (CPVC) plumbing pipe without first making a finding of potential premature metallic pipe failure due to local water or soil conditions.

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**Lead Agency Contact**

**Name** Robin Gilb  
**Agency** Department of Housing and Community Development  
**Phone** (916) 324.5817 **Fax**  
**email**  
**Address** PO Box 952052  
**City** Sacramento **State** CA **Zip** 94252-2052

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**Project Location**

**County** Alameda, Alpine, Amador, Butte, Calaveras, Colusa, ...  
**City**  
**Region**  
**Cross Streets** Statewide  
**Parcel No.**  
**Township**

	<b>Range</b>	<b>Section</b>	<b>Base</b>
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**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use**

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**Project Issues** Air Quality; Water Quality; Cumulative Effects; Other Issues

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**Reviewing Agencies** Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Headquarters; Native American Heritage Commission; Department of Health Services; Caltrans, Division of Transportation Planning; State Water Resources Control Board, Division of Water Quality; Department of Toxic Substances Control

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**Date Received** 01/11/2006 **Start of Review** 01/11/2006 **End of Review** 02/09/2006